

Decision 05-02-014 February 10, 2005

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Sacramento Regional Transit District for an order authorizing it to construct, maintain and operate a light rail passenger system under U.S. Highway 50 Natoma Overhead 24-0120 at Folsom Boulevard in the County of Sacramento and City of Folsom, State of California.

Application 04-08-032
(Filed August 23, 2004)

O P I N I O N

Summary

This decision grants Sacramento Regional Transit District's (District) request for authority to construct a light rail passenger system under U.S. Highway 50 Natoma Overhead (Overhead) in the County of Sacramento and City of Folsom. The crossing will be identified as Commission Crossing No. 083E-19.01-A.

Discussion

The District requests authority to construct a light rail track under the existing Overhead. The Overhead is a six-lane U.S. Highway. The expected light rail traffic consists of 58 light rail vehicle movements per day, traveling at a maximum speed of 55 miles per hour.

The District is the lead agency for the construction of the track under the Overhead which is covered under the Downtown Sacramento - Folsom Corridor Project (Project) Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR), under the California Environmental Quality Act of 1970

(CEQA), as amended, Public Resources Code Section 21000 et seq. On March 15, 2000, in compliance with CEQA, the District filed its Notice of Determination (NOD) approving this Project and stating that the Project will have a significant effect on the environment. Mitigation measures were made a condition of approval of the Project.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

We reviewed the FEIS/EIR for the Project and believe it is adequate for our decision-making purposes. Safety, transportation and noise are within the scope of the Commission's permitting process.

Safety impacts were identified in the FEIS/EIR. The impacts are related to the addition of the District's facilities. The District will monitor impacts at major arterial grade crossings and implement operation and signal timing improvements as necessary to minimize vehicle queues that may disrupt cross street traffic.

Noise impacts were identified in the FEIS/EIR. The impacts identified related to light rail vehicle, power substation, and grade crossing noise. The mitigation measures adopted to address these impacts involve installing sound attenuation barriers, sound-insulating affected residences, modifying train operating procedures, and reducing, to the extent possible, the noise emissions of

light rail vehicles through shielding, reprofiling of the wheels and other measures.

Transportation impacts were identified in the FEIS/EIR. The impacts involve the relocation of a bike path in the City of Folsom, and reducing the level of service at several intersections. The adopted mitigation measures include the City of Folsom relocating its bike path, and the use of nearside grade crossing indicators where at-grade crossings are adjacent to light rail stations. This will minimize the amount of time the gates are down when trains must stop to load and unload passengers before crossing the road. For all but one of the intersections affected, District determined that the intersections are at their ultimate configuration and no improvements are proposed. For the remaining intersection, mitigation measures include striping to provide a left-turn lane, and a shared right-turn lane.

With respect to the potentially significant safety, noise and transportation impacts identified above, the Commission finds that the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts. We will adopt the District's environmental findings and mitigations for purposes of our approval.

Rail Crossings Engineering Section staff inspected the site of the proposed Overhead crossing. After reviewing the need for and safety of the proposed crossing, staff recommends that the requested authority be granted for a period of two years. Application 04-08-032 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 40, which relates to the construction of a railroad track across a public highway.

Categorization and Need for Hearings

In Resolution ALJ 176-3138, dated September 2, 2004, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Notice of the Application was published in the Commission's Daily Calendar (CDC) on August 26, 2004. No protests have been received. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3138.

Waiver of Comment Period

The District has requested the order become effective immediately. This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waved.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the CDC on August 26, 2004. No protests have been filed.
2. The District requests authority, under Public Utilities Code Sections 1201-1205, to construct a light rail track under the Overhead. The crossing will be identified as Commission Crossing No. 083E-19.01-A.
3. Public convenience, safety, and necessity require the construction of the subject crossing.
4. The District is the lead agency for the Project under CEQA, as amended.
5. The Commission is a responsible agency for this project and has reviewed and considered the District's environmental documentation specified in this decision, and finds the documentation adequate for decision-making purposes.

6. On March 15, 2000, the District filed its NOD approving the project and found that the Project would have a significant effect on the environment.

7. Safety, transportation and noise are within the scope of the Commission's permitting process.

8. The Commission finds that for each potentially significant impact related to safety, transportation, or noise, the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The Sacramento Regional Transit District's (District) is authorized to construct a light rail passenger system under the U.S. Highway 50 Natoma Overhead. The crossing will be identified as Commission Crossing No. 083E-19.01-A.

2. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the District, Sacramento County and the City of Folsom (parties). Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

3. Within 30 days after completion of the work under this order, the District shall notify the Commission's Rail Crossing Engineering Section in writing, by submitting a completed Standard Commission Form G (Report of Changes at Highway Grade Crossing and Separations), that the authorized work was completed.

4. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

5. This application is granted as set forth above.

6. Application 04-08-032 is closed.

This order is effective today.

Dated February 10, 2005, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
SUSAN P. KENNEDY
DIAN M. GRUENEICH
Commissioners